

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KENNETH O. PRATT and DEPARTMENT OF THE AIR FORCE,
McCLELLAN AIR FORCE BASE, Sacramento, Calif.

*Docket No. 97-247; Submitted on the Record;
Issued September 22, 1998*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's claim for a schedule award for a tooth.

On April 3, 1996 appellant, then a 51-year-old air conditioning mechanic, filed a claim for his front tooth, stating that a pair of pliers had slipped and hit him in the mouth. In an April 22, 1996 report, Dr. Gilbert S. Limhengco, a dentist, stated that on April 3, 1996 appellant had come in with a tooth that had been knocked loose which the dentist extracted. The Office accepted appellant's claim for a broken tooth. On July 10, 1996 appellant filed a claim for a schedule award. In a September 6, 1996 decision, the Office rejected appellant's claim for a schedule award on the grounds that medical evidence did not establish an impairment of any member for which a schedule award is payable.

The Board finds that appellant is not entitled to a schedule award for his tooth.

The schedule award provision of the Federal Employees' Compensation Act¹ and its implementing regulation² set forth the number of weeks of compensation to be paid for permanent loss, or loss of use, of members or functions of the body listed in the schedule. However, neither the Act nor its regulations specify the manner in which the percentage loss of a member shall be determined. For consistent results and to ensure equal justice to all claimants, the Board has authorized the use of a single set of tables in evaluating schedule losses, so that there may be uniform standards applicable to all claimants seeking schedule awards. The American Medical Association, *Guides to the Evaluation of Permanent Impairment* has been adopted by the Office as a standard for evaluating schedule losses and the Board has concurred

¹ 5 U.S.C. § 8107(c).

² 20 C.F.R. § 10.304.

in such adoption.³ A schedule award is not payable for a member, function or organ of the body not specified in the Act or in the implementing regulations.⁴ As neither the Act nor the regulations provide for payment of a schedule award for permanent loss of a tooth no claimant is entitled to such an award. Appellant therefore is not entitled to a schedule award for a tooth because the tooth is not listed in the Act nor the regulations as a member of the body for which a schedule award is payable.

The decision of the Office of Workers' Compensation Programs dated September 9, 1996 is hereby affirmed.

Dated, Washington, D.C.
September 22, 1998

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

³ *Thomas P. Gauthier*, 34 ECAB 1060, 1063 (1983).

⁴ *George E. Williams*, 44 ECAB 530 (1993); *William Edwin Muir*, 27 ECAB 579 (1976).